

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

**In re: BRIDGESTONE/FIRESTONE, INC.,  
TIRES PRODUCTS LIABILITY LITIGATION**

) **Master File No. IP 00-9373-C-B/S**

) **MDL NO. 1373**

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**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

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**ENTRY FOR FEBRUARY 28, 2002**

The parties appeared, by counsel, this date for a telephonic status conference, during which the following was discussed:

1. The plaintiffs have filed two lists of cases which they believe do not involve tires that are part of this MDL proceeding and therefore should be remanded. As the magistrate judge has indicated before, these lists are being treated as motions to remand. With the exception of the *Schmidt* case, in which a reply has already been filed, the court requests that the plaintiffs file reply briefs in support of their motions. The court also requests that, as to each of the cases listed by the plaintiffs, the parties inform the court whether, in their opinion, the tires involved are encompassed by the definition of the class that has been certified in this case. All of the parties agree that the Affinity tire involved in the *Schmidt* case is not included in the class definition.
2. Victor Diaz, on behalf of the personal injury plaintiffs, raised the issue of whether certain employees of the defendants who are expected to testify at trial and offer expert testimony should be treated as expert witnesses and required to submit expert reports. The magistrate judge determines that if the parties are unable to resolve this issue among themselves, it will need to be presented to the court in the form of a motion to strike.
3. Ford and the plaintiffs report that they are still working to resolve the issue of discovery related to certain shock absorber testing done by or on behalf of Ford; once that issue is resolved, deadlines for exchanging expert reports on that issue will be established.
4. The defendants raised the issue of certain Venezuelan cases in which no discovery has been

produced by the plaintiffs, and others in which the plaintiffs' discovery responses are not complete. Mr. Diaz reports that he will be withdrawing as counsel on six of those cases and promised that the discovery as to the remainder of his cases will be forthcoming shortly. The defendants will file motions to compel in those cases in which Mr. Diaz is not involved, after conferring with the plaintiffs' attorneys as required by Local Rule 37.1.

5. Firestone raised its concerns regarding the plaintiffs' supplemental expert witness lists and whether some of the supplemental witnesses are, in fact, supplemental. The parties will confer regarding this issue and, if they are unable to resolve it, Firestone will file a motion raising the issue. The plaintiffs shall respond to the motion within 5 business days, and Firestone shall file its reply within 2 business days.
6. The plaintiffs' March 1, 2002, deadline to file a motion to compel addressing the issue of whether and to what extent profit information is relevant to the remaining claims in the Master Complaint is extended to April 1, 2002.
7. The plaintiffs raised their continuing concerns regarding discovery of documents contained in Ford's Office of General Counsel database or otherwise maintained by the Office of General Counsel. The magistrate judge took the issue of how best to address these concerns under advisement.
8. The parties agreed that for the purposes of "core" expert witness lists and reports in the forum non conveniens cases only, Indianapolis counsel will be responsible for service on the local attorneys in the individual cases. Accordingly, the plaintiffs will serve their lists and reports on Mark Merkle for Firestone, Randy Riggs for Ford, and Tom Stayton for Bridgestone, who will then serve the lists and reports on all counsel for their respective clients in each individual case listed in the caption on the lists and reports. Similarly, the defendants will serve their lists and reports on Bill Winingham, who will then serve them on the plaintiffs' counsel of record in each individual case listed in the caption. For the

purposes of these lists and reports, it is necessary only to list the cause numbers of the cases involved; no abbreviated case names are required.

9. The next telephonic status conference will be held on March 7, 2002, at 1:00 p.m. The call will be arranged by the court.

ENTERED this \_\_\_\_\_ day of March 2002.

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V. Sue Shields  
United States Magistrate Judge  
Southern District of Indiana

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